

It is ludicrous for the FCC to be engaged in content control regulations of this type, such as a mandatory broadcast flag and means to prevent commercial skipping. A communications channel should deliver information from source to destination with minimal intervention and impact; the communications channel should be completely unobtrusive with respect to content, and simply a mechanism for transporting content from producer to consumer. Any deviation from this ideal is a failure on the part of the FCC.

The role of the FCC in the DTV process should be limited to the following:

- 1) define standards so that consumers, producers, and manufacturers can conduct business in a structured environment.
- 2) ensure consumer safety of manufactured devices.
- 3) ensure beneficial use of the airwaves (owned by the public).

Very clearly participation in this system is optional, not mandatory: consumers may not be forced to view DTV, producers may not be forced to distribute valuable content using DTV, and manufactures may not be forced to create DTV devices. However, those who choose to use the system should be regulated: producers who choose to broadcast must follow broadcast standards (in the interest of the public), and manufacturers must meet safety standards (in the interest of the public), and consumers are responsible for following other laws that come into play such as copyright law.

There is absolutely no basis for the FCC making Draconian mandates covering the USE of content, especially in a system that is optional for all parties involved. This is an absolute failure from the ideal goal of a communications channel, and a dramatic abuse of the FCC's power.

Furthermore, the proposed regulations are laughable because they take wildly overreaching steps to proscribe something that is already illegal! Copyright law already FULLY covers the digital distribution that the broadcast flag is designed to prevent; the behavior is already proscribed!

It does fall within the FCC's scope to define a communications channel that permits digital rights management; however, it should be only one of several options available. Producers should have the choice to broadcast in various modes according to their desire, consumers should have the choice to view any of the various modes according to their desire, and manufacturers should have the choice to create products for any of the various modes according to their desire. This supports choice for all parties involved.

If the worry is manufacturers creating products that receive in DRM mode and convert to a non-DRM mode, that behavior is already proscribed by the DMCA... it is already illegal!

These proposals clearly, by design and without a doubt, reduce the ability of consumers to exercise fair use rights by erecting artificial barriers to communications (against the FCC's mandate).

In summary, these proposals are seriously flawed for the following reasons:

- 1) Dangerously veer from communications to information control.

- 2) Place ridiculous restrictions on manufacturers, dramatically reducing consumer choice.
- 3) Dramatically reduce consumers ability to exercise fair use right.
- 4) Proscribe behavior that is already illegal!

The FCC is dramatically overstepping the bounds of the public trust with Orwellian proposals with no consumer benefit in what one can only conclude is a blatant kowtow to the cash of Hollywood and TV studios.